

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15001 of 2015

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Sunil Kumar, S/o Subedar Singh, Chairman, Beni Bigha PACS, resident of Beni Bigha, P.S.- Vikram, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna.
3. The Circle Officer-cum-Enforcement Officer, Block- Vikram, District- Patna.
4. The Bihar State Food & Civil Supply Corporation Ltd., represented through its District Manager, the Bihar State Food & Civil Supply Corporation Ltd., Patna.
5. The District Manager, the Bihar State Food & Civil Supply Corporation Ltd., Patna.
6. The Branch Manager, Patliputra Central Co-operative Bank, Vikram, Patna.

.... Respondent/s

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With

Civil Writ Jurisdiction Case No.15196 of 2015

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Saroj Kumar, son of Late Upendra Dubay, Chairman, Vajirpur, Parariyawa PACS, resident of village Parariyawa, P.S. Vikram, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The Circle Officer -cum- Enforcement Officer, Block- Vikram, District- Patna.
4. The Bihar State Food & Civil Supply Corportion Ltd., represented through its District Manager, the Bihar State Food & Civil Supply Corporation Ltd., Patna.
5. The District Manager, the Bihar State Food & Civil Supply Corportion Ltd., Patna.
6. The Branch Manager, Patliputra Central Co-operative Bank, Vikram, Patna.

.... Respondent/s

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Appearance :

(In CWJC No.15001 of 2015)

For the Petitioner/s : Mr. Shri Prakash Srivastava
Mr. Shivendra Kumar Sinha
For the Respondent/s : Mr. A. Ujjwal, SC-25
For the Corporation : Mr. Shailendra Kumar Singh, Adv.

(In CWJC No.15196 of 2015)

For the Petitioner/s : Mr. Shri Prakash Srivastava
Mr. Shivendra Kumar Sinha
For the Respondent/s : Mr. Amar Nath Deo, SC-26
For the Corporation : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 04-01-2016

Heard the parties.



The petitioners in the two writ petitions are Chairman of cooperative societies. Whereas the petitioner in CWJC No.15001 of 2015 is the Chairman of Beni Bigha Primary Agriculture Credit Cooperative Societies, the petitioner in the other writ petition is the Chairman of Vajirpur Parariyawa Primary Agriculture Credit Cooperative Societies and each of the two Chairman of the cooperative societies have raised their grievance regarding non-payment of price for the paddy/ custom milled rice (hereinafter referred to as the 'CMR') supplied by these societies to the Corporation.

A supplementary affidavit has been filed today by Mr. Shri Prakash Srivastava, learned counsel appearing on behalf of the petitioners in the two writ petitions and with reference to Annexures-3 and 4 thereof it is submitted that there is no dispute regarding the supply and regarding pending payment. He submits that the report having being countersigned by the District Cooperative Officer, Patna and the Enquiry Officer certifying the delivery made by the petitioners, there cannot be any objection to the price claimed by these two petitioners. Mr. Srivastava has also referred to Annexure-4 to the supplementary affidavit filed in CWJC No. 15001 of 2015 to submit that the enquiry report is upon verification of the

vouchers submitted by the petitioner and thus there could be no doubt as to the supply.

Mr. Shailendra Kumar Singh, learned counsel appearing on behalf of the Cooperation in his short argument has invited the attention of this Court towards Annexure-C to the counter affidavit which is an information lodged by the District Manager with the Station House Officer, Vikram requesting him to institute the case as against the Centre Incharge, Vikram as well as the Chairman of the Societies attached to the said Centre. He submits that in the present case the Centre Incharge had issued delivery vouchers without receiving supplies and which has led to the institution of the police case giving rise to Vikram P.S. Case No.182 of 2015 as against the Centre Incharge as well as all connected with the supplies. He thus submits that since the issues are subject matter of criminal investigation and there is a dispute regarding the actual supplies made by the petitioners hence the writ Court would not enter into these disputed issues of fact.

I have heard learned counsel for the parties and I have perused the records and I am in agreement with the submission of Mr. Singh. It is not in dispute that the supplies at the Vikram centre was marred with controversy and led to institution of criminal case referred to above. In such circumstances where the

issue of supply itself is being doubted and has translated into a police case this Court exercising writ jurisdiction would not enter into the controversy until it reaches a logical conclusion.

In the circumstances the two writ petitions are disposed of affording liberty to the petitioners to raise their grievances upon culmination of the proceedings so initiated against them, in case it draws in their favour.

This order, however, would not preclude the petitioners to take recourse to such other remedies that may be available to them in law.

(Jyoti Saran, J)

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